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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy
Serial No.: 10/644,440
Filed: August 20, 2003
Group Art Unit: 3747
Examiner: McMahon, Marguerite J.
Title: INTAKE MODULE ASSEMBLY

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in*

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REQUEST FOR RECONSIDERATION

In response to the final Office Action of November 28, 2006, applicant requests consideration of the following remarks. Claims 1-2, 4-16, 18-20, and 23-35 remain in the application including independent claims 1, 5, 14, 24, and 34. Claims 3, 17, and 21-22 are cancelled. Claims 5-8 and 23 are allowed.

In an office action dated December 6, 2004, the examiner indicated claim 11, which was dependent from claim 1, was allowable. In an amendment dated April 14, 2005, applicant amended claim 11 to be in independent form, such that the claim would subsequently be allowed. In an office action dated March 9, 2006 the examiner issued a restriction requirement indicating that claims 11-12 were considered a distinct invention (Invention II) from Invention I (claims 1-10, 13-16, 18-20, 22-33) because the Inventions I and II were related as combination and subcombination. In an office action dated June 16, 2006, the examiner withdrew the allowability of claim 11 and issued a new rejection based on new art. In an amendment dated September 14, 2006, applicant returned claim 11 to its original dependent form.

The reason for restricting inventions I and II set forth by the examiner in the requirement of March 9, 2006, i.e. two separate inventions I and II, is no longer relevant because claim 11 is now in dependent form from claim 1. As such, the examiner's restriction requirement is not

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